

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 97, As Amended

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES AND TRAFFIC; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1421A, IDAHO CODE, TO PROVIDE FOR DRIVING A VEHICLE IN A HIGH OCCUPANCY VEHICLE LANE, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR PENALTIES, TO PROVIDE DEFINITIONS AND TO PROVIDE FOR APPLICATION OF LAW.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 14, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1421A, Idaho Code, and to read as follows:

49-1421A. HIGH OCCUPANCY VEHICLE LANES – PENALTIES – DEFINITIONS. (1) Except as provided in subsections (2) and (3) of this section, a person shall not drive a vehicle carrying fewer than two (2) persons, including the driver, in a high occupancy vehicle lane at any time the use of the high occupancy vehicle lane is restricted to vehicles carrying two (2) or more persons, including the driver.

(2) A person may drive a motorcycle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

(3) A person may drive a public transportation vehicle in a high occupancy vehicle lane at any time regardless of the number of passengers, without penalty.

(4) A person may drive an emergency vehicle in a high occupancy vehicle lane regardless of the number of passengers, without penalty, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or when performing normal patrol duties.

(5) A person may drive an authorized maintenance vehicle in a high occupancy vehicle lane regardless of the number of passengers, without penalty, when necessary to perform maintenance of that lane.

(6) Any violation of the provisions of this section shall be an infraction punishable by a fixed penalty of one hundred dollars (\$100).

(7) For the purposes of this section, the following terms have the following meanings:

(a) "High occupancy vehicle lane" means a designated lane of laned roadway where the use of such designated lane is restricted to vehicles carrying at least the minimum number of persons as provided for in this section and as designated by the director of the Idaho transportation department as indicated on official signs and other official traffic-control devices.

(b) "Public transportation vehicle" means a vehicle that:

- 1 (i) Provides a designated public transportation as defined in section 221 of the  
2 Americans with disabilities act of 1990 or provides public school transportation  
3 (that is, to and from public or private primary, secondary or tertiary schools); and  
4 (ii) Is owned or operated by a public entity, or is operated under a contract with  
5 a public entity, or is operated pursuant to a license by the secretary of the United  
6 States department of transportation or an agency of the state of Idaho, to provide  
7 motorbus or school vehicle transportation services to the public.

8 (8) The provisions of this section shall apply only in counties with a population less than  
9 twenty-five thousand (25,000), according to the most recent census within the state of Idaho,  
10 and where such county includes a resort city authorized to approve certain nonproperty taxes  
11 pursuant to section 50-1044, Idaho Code.